

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,022-D1-CO)

PATENT



In re Application of:

Richard Rubin, et al.

Serial No.: To be assigned

Filed: Herewith

For: A System for Cell-Based Screening

Art Unit: To be assigned

Examiner: To be assigned

Mail Stop: Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. We are transmitting herewith the attached papers for the above identified new patent application:

- ☒ Transmittal (in duplicate);
- ☒ Utility Patent Application Transmittal (2 sheets, in duplicate);
- ☒ Application Data Sheet (4 sheets);
- ☒ Specification (123 sheets, including claims and abstract);
- ☒ Preliminary Amendment (5 sheets);
- ☒ Drawings (30 sheets);
- ☒ Copy of Assignment from prior application (7 sheets);
- ☒ Copy of Declaration and Power of Attorney from prior application (7 sheets);
- ☒ Return Receipt Postcard.

2. With respect to fees:

- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 13-2490 in the amount of \$ 425.00 for the Small Entity Continuation Patent Application Surcharge.

3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 herein-above, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15<sup>th</sup> day of **October, 2003**. Express Mail No. **EV334708851US**.

By:

David S. Harper  
Reg. No. 42,636

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By: \_\_\_\_\_

David S. Harper

Reg. No. 42,636

# UTILITY PATENT APPLICATION TRANSMITTAL

*Submit an original and a duplicate for fee processing  
(Only for new nonprovisional applications under 37 CFR 1.53(b))*

## ADDRESS TO:

**Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

Attorney Docket No. 97,022-D1CO  
First Named Inventor Richard Rubin, et al.  
Express Mail No. EV334708851US

## APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 123]
3. ☒ Drawings [Total Sheets 30]
4. ☒ Oath or Declaration [Total Pages 7]
  - a. ☐ Newly executed
  - b. ☒ Copy from prior application  

**[Note Boxes 5 and 18 below]**

    - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
  - a. ☐ Microfiche Appendix
  - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy
  - c. ☐ Statement verifying above copies
8. ☒ Small Entity Status
 

☒ is claimed  
☒ Statement filed in prior application; status still proper and desired  
☐ is no longer claimed.

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers
10. ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
 

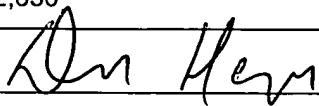
☐ PTO-1449 Form  
☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)
17. ☒ Other: Application Data Sheet

18. ☒ This is a CONTINUING APPLICATION. Please note the following:

- a. ☒ This is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part of prior U.S. Patent Application Serial No.. 09/352,171, Filed on July 12, 1999.
- b. ☒ Cancel in this application original claims 1-39 of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☐ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of application Serial No..
- d. ☒ The prior application is assigned of record to Cellomics, Inc..

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 97,022-D1CO

APPLICATION FEES				
BASIC FEE				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	4 -20 =	0	x \$18.00	\$
Independent Claims	1 - 3 =		x \$84.00	\$
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$280.00	\$
Total of above calculations =				\$ 770.00
Reduction by 50% for filing by small entity =				\$(385.00)
<input checked="" type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$ 40.00
TOTAL =				\$ 425.00
19. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 13-2490 in the amount of \$425.00				
20. <input type="checkbox"/> A check in the amount of \$ is enclosed.				
21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:				
a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16.				
b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.				
c. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.18.				
22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.				
23. CERTIFICATE OF MAILING				
I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.				
24. USPTO CUSTOMER NUMBER				
20306				
McDonnell Boehnen Hulbert & Berghoff				
25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED				
Name	David S. Harper			
Reg. No.	42,636			
Signature				
Date	October 15, 2003			

UTIL (Rev. 11/21/00)